

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

EUNICE and ROBERT McKINNES,)
vs.)
Plaintiffs,)
vs.) Civil Action No.
AMERICAN INTERNATIONAL GROUP, INC;) 2:06-cv-00041-MHT
AMERICAN GENERAL CORPORATION;)
AMERICAN GENERAL FINANCE, INC.;)
AMERICAN GENERAL FINANCIAL SERVICES)
OF ALABAMA, INC.; AMERICAN GENERAL)
FINANCE CORPORATION;)
MERIT LIFE INSURANCE COMPANY;)
YOSEMITE INSURANCE COMPANY;)
LISA WOOD; CONNIE FARMER;)
and Fictitious Defendants "A",)
"B", and "C", whether singular or plural, those)
other persons, corporations, firms, or other)
entities whose wrongful conduct caused)
the injuries and damages to the Plaintiff,)
all of whose true and correct names are)
unknown to Plaintiff at this time, but will)
be substituted by amendment when ascertained,)
Defendants.)

MOTION TO REMAND

Plaintiffs move this Honorable Court, pursuant to 28 U.S.C. §1447, to remand this case to the Circuit Court of Barbour County, Alabama, for the following reasons:

1. This Court lacks subject matter jurisdiction over this action.
2. There is no "federal question" to afford this Court jurisdiction pursuant to 28 U.S.C. §1331 because:

- (a) This case does not arise under the Constitution, laws, or treatise of United States; and
- (b) The only claims asserted by Plaintiffs are for violations of Alabama law.

3. Removal is improperly based on the grounds of diversity of citizenship. Defendants Lisa Wood and Connie Farmer have not been fraudulently joined and this Court should consider their citizenship.

4. Removal is improper, because Defendants fail to prove that the amount in controversy is satisfied.

5. These issues will be addressed in the Memorandum Brief filed with this Motion.

/s/ Charles Lance Gould
C. LANCE GOULD (GOU007)
Attorney for Plaintiffs

OF COUNSEL:

**BEASLEY, ALLEN, CROW,
METHVIN, PORTIS & MILES, P.C.**
Attorneys at Law
Post Office Box 4160
Montgomery, AL 36103-4160
(334) 269-2343
(334) 954-7555 (fax)

CERTIFICATE OF SERVICE

I hereby certify that on this the 13th day of February, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

/s/ Charles Lance Gould
OF COUNSEL

Jeffrey M. Grantham
John Thomas Aquina Malatesta, III
Thomas Julian Butler
Maynard, Cooper & Gale, P.C.
1901 Sixth Avenue North
2400 AmSouth/Harbert Plaza
Birmingham, AL 35203-2618
205-254-1035
Fax: 205-254-1999

David Alan Elliott
Matthew Thomas Mitchell
Robert Howard Rutherford
Burr & Forman LLP
420 North Twentieth Street
Suite 3100
Birmingham, AL 35203
205-251-3000
Fax: 205-458-5631